

JUL 02 2010

JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT

No. 09-90168

ORDER

**KOZINSKI**, Chief Judge:

Complainant, a pro se litigant, alleges that the district judge assigned to his civil case made various improper rulings. These charges relate directly to the merits of the judge's rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant further alleges that the district judge was biased against him and engaged in improper ex parte communication with the defendants. But adverse rulings alone are not proof of bias or ex parte contact. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009). Because complainant hasn't provided objectively verifiable proof to support these allegations, they must be dismissed. 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D); see In re Complaint of Judicial Misconduct, 583 F.3d at 598.

Complainant's request that the district judge be recused from the underlying case is not cognizable under the misconduct complaint procedure. See Judicial-Conduct Rule 3(h).

**DISMISSED.**